

ORIGINAL**In the United States Court of Federal Claims****FILED**

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VESTER L. PATTERSON,**Plaintiff,****v.****UNITED STATES,****Defendant.**

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SEP - 9 2016

U.S. COURT OF
FEDERAL CLAIMS**No. 16-917C****Filed: September 9, 2016****ORDER**

On August 3, 2016, the court issued an Order in the above-captioned case noting that:

Pursuant to Rule 3.1 of the Rules of the United States Court of Federal Claims, plaintiff either shall pay the \$400.00 filing fee or file a motion to proceed in forma pauperis in the above-captioned case. If plaintiff intends to file a motion to proceed in forma pauperis or pay the filing fee in the above-captioned case, plaintiff shall file such a motion or pay the filing fee on or before **August 31, 2016**. If plaintiff does not file a motion to proceed in forma pauperis or submit the filing fee on or before August 31, 2016, the court will dismiss his complaint.

On September 2, 2016, the court issued an order noting that, as of September 2, plaintiff had not filed a motion to proceed in forma pauperis or submitted the requisite filing fee. The court therefore, ordered the clerk's office to issue a judgment dismissing the above-captioned case pursuant to RCFC 41(b), for failure to follow the court's Order.

On September 6, 2016, prior to entering judgment, the clerk's office received a trust account statement, dated August 30, 2016, showing the amount of funds being held in trust for plaintiff, who is incarcerated. The plaintiff did not, however, include either a motion to proceed in forma pauperis or his filing fee along with this trust account statement. Because plaintiff again has failed to comply with the court's August 3, 2016 Order, pursuant to RCFC 41(b), the above-captioned case is **DISMISSED**, without prejudice. The Clerk's Office shall enter **JUDGMENT** consistent with this Order.

IT IS SO ORDERED.

MARIAN BLANK HORN**Judge**